IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7358 OF 2006

RELENE PETROCHEMICALS PVT. LTD. ..PETITIONER

V/S

SUNIL S. SATHE & ORS. ..RESPONDENTS

MR. C.V. SINGH WITH MR. RAJENDRA GAWDE WITH MS. MELANIE D'SOUZA WITH GAURAV THAKUR I/B A.S. DAYAL & ASSOCIATES FOR PETITIONER.

MS. GAYATRI SINGH FOR RESPONDENT NO.1.

CORAM : A.P. DESHPANDE, J.

DATE : 9TH JANUARY, 2007.

P.C.

. Rule made returnable forthwith.

. The Respondent filed complaint in the Industrial Court. The present petitioner by filing its written statement claimed absence of 'employer - employee' relationship. The said issue was expressly left open to be decided at the time of final adjudication of the complaint by this court. The grievance made in the present petition is that though the draft issues were filed by both the parties the Industrial Court has chosen to frame only one issue which does not deal with the issue left open by the High Court for adjudication by the Industrial Court. It is common ground that for adjudication of the dispute distinct issues need to

be framed and the parties are in agreement that

issue No. 1 in the draft issue submitted by the employer and also issue Nos. 6 and 7 from the draft issue submitted by the employee need to be framed. In this view of the matter I direct the Industrial Court to include issue No. 1 from the draft issue submitted by the employer and issue No. 6 and 7 from the draft issue submitted by the employee in the final issues framed by the Industrial Court and deal with the said issues in accordance with law. Rule made absolute.

(A.P. DESHPANDE, J.)